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11 Attorneys for Plaintiff,

Aylus Networks, Inc.

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 AYLUS NETWORKS, INC., a Delaware
corporation,

16 Plaintiff,

18 vs.

19 APPLE, INC., a California corporation

20 Defendant.

CASE NO. 3:13-cv-04700-EMC

**AYLUS' OPPOSITION TO APPLE'S
MOTION TO SHORTEN TIME FOR
BRIEFING SCHEDULE AND HEARING
ON APPLE'S MOTION TO STRIKE
EXPERT DECLARATION OF DANIEL J.
WIGDOR**

DATE: TBD

TIME: TBD

PLACE: Courtroom 5, 17th Floor

JUDGE: Honorable Edward M. Chen

I. INTRODUCTION

On October 9, 2014, Apple Inc. (“Apple”) filed its Motion to Shorten Time For Briefing Schedule and Hearing On Apple’s Motion to Strike Expert Declaration of Daniel J. Wigdor in Support of Aylus’s Reply Claim Construction Brief (“Motion to Shorten Time”). Dkt. No. 64. On October 13, 2014, Aylus Networks, Inc. filed a Joint Stipulation and [Proposed] Order Regarding Expedited Briefing and Argument for Aylus’ and Apple’s Respective Motions to Strike (“Joint Stipulation”) that would provide for expedited briefing of Apple’s two motions to strike as well as Aylus’ Motion to Strike Apple’s Non-Disclosed Claim Construction Evidence. Dkt. No. 68. If the Joint Stipulation is granted by the Court, Apple’s Motion to Shorten Time will become moot.

If the Joint Stipulation is not granted by the Court, Aylus respectfully requests that the court deny Apple’s Motion to Shorten Time. The Court can proceed with the claim construction hearings, and also with a subsequent hearing on the Motion to Strike on the currently noticed date. In the event the Court decides to strike any evidence from the record, the Court can simply not consider that evidence when preparing its Order after the claim construction hearing. Further, all the evidence Apple asks this Court to strike in its Motion is extrinsic rebuttal evidence, and Aylus believes that the Court will likely not need to consider it in light of the intrinsic record.

For the foregoing reasons, if the Court does not grant the parties’ Joint Stipulation, Aylus respectfully requests that the Court deny Apple’s Motion to Shorten Time.

II. CONCLUSION

For the foregoing reasons, Aylus respectfully requests that the Court issue an Order granting the Joint Stipulation, thus rendering Apple’s Motion to Shorten Time moot. Alternatively, if the Court does not grant the Joint Stipulation, Aylus opposes Apple’s Motion to Shorten Time and respectfully requests that the Court issue an order denying Apple’s Motion to Shorten Time.

1 DATED: October 14, 2014

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

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3 By /s/ Amar Thakur

4 Amar Thakur

Attorney for AYLUS NETWORKS, INC.